

88-328-A  
#161

IN RE: PETITION FOR ZONING VARIANCE  
E/S York Road, 91' S of the  
C/I of Oakway Road  
(2047 York Road)  
8th Election District  
4th Councilmanic District

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-328-A  
Petitioner  
Milanos, Inc.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a business sign containing a total of 185.6 sq.ft. (92.8 sq.ft. each side) in a business zone, in lieu of the permitted 100 sq.ft. total, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Nikolaos Makris and Dimitris Makris, Partners, appeared, testified and was represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, split zoned B.L. and R.O. is the site of a newly opened restaurant known as Milanos, Inc. The Petitioner is requesting a variance to permit the installation of an identification sign as depicted on Page 2 of Petitioner's Exhibit 1. Nikolaos Makris testified that the Petitioner contacted Mr. Belsinger of the Belsinger Sign Company to study other business signs in the vicinity of their restaurant and to design a sign for their establishment which would take into consideration traffic conditions and be compatible with others in the area. Mr. Makris indicated that the sign for Milanos, Inc. is, in fact, smaller than many of the signs in the area. The Petitioner introduced as Petitioner's Exhibit 2 a list of those businesses having signs in the surrounding area.

Mr. Makris indicated that to require strict compliance with the zoning regulations would create an unreasonable hardship as Milanos' sign would be lost amidst the other signs along York Road. In addition, a safety hazard would be created for drivers attempting to locate their establishment. He indicated that

Section: 413.2F  
Zoning Violation: Yes ☐ No ☒  
Circumstances: \_\_\_\_\_  
\*Enclosure

ZONING DESCRIPTION

BEGINNING on the east side of York Road 91 feet south of the centerline of Oakway Road thence the 4 following courses and distances:

- 1 S 19° 01' 44" E 30 feet
- 2 N 70° 58' 16" E 20 feet
- 3 N 19° 01' 44" W 30 feet
- 4 S 70° 58' 16" W 20 feet

to the place of beginning. Containing 600 square feet in the Eighth Election District. Also known as 2047 York Road, Timonium, Maryland 21093.

he believes the sign of the size and dimensions depicted on Petitioner's Exhibit 1 will give drivers adequate opportunity to locate the restaurant, signal, and safely turn into the parking lot.

The Petitioner seeks relief from Section 413.2F pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property, McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2F to permit a business sign containing a total of 185.6 square feet (92.8 square feet each side) in a business zone, in lieu of the permitted total area of 100 square feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Exposure of business to York Road necessitates a sign with two faces for a reasonable exposure.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, or we, do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
(Type or Print Name) MILANOS, INC.  
(Type or Print Name)  
Signature: \_\_\_\_\_ By: \_\_\_\_\_  
Signature: Panagiotis Makris  
Address: \_\_\_\_\_  
(Type or Print Name)  
City and State: \_\_\_\_\_ Signature: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
White, Mindel, Clarke & Hill  
(Type or Print Name)  
Signature: \_\_\_\_\_ Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Signature: R. Bruce Alderman City and State: \_\_\_\_\_  
29 West Susquehanna Avenue  
Address: \_\_\_\_\_  
Townson, Maryland 21204  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: 828-1050  
Address: \_\_\_\_\_ Phone No. \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of February, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 2nd day of February, 1988, at 2 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of February, 1988 that a business sign containing a total of 185.6 sq.ft. (92.8 sq.ft. each side) in a business zone, in lieu of the permitted 100 sq.ft. total, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING  
Date: 2/29/88  
By: [Signature]

February 29, 1988

R. Bruce Alderman, Esquire  
White, Mindel, Clarke & Hill  
29 W. Susquehanna Avenue  
Townson, Maryland 21204

RE: Petition for Zoning Variance  
E/S York Road, 91' S of C/I of Oakway Road (2047 York Road)  
8th Election District - 4th Councilmanic District  
Milanos, Inc. - Petitioner  
Case No. 88-328-A

Dear Mr. Alderman:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs  
Enclosures

cc: People's Counsel  
File

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th  
Posted for: Variance  
Date of Posting: 1/31/88  
Petitioner: Milanos, Inc.  
Location of property: E/S York Rd, 91' S of Oakway Rd  
Location of Sign: E/S York Rd, 91' S of Oakway Rd  
Remarks: [Signature]  
Posted by: [Signature]  
Date of return: 2/5/88  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 3, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb. 3, 1988.

TOWSON TIMES.

[Signature]  
Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described in the Zoning Regulations of Baltimore County, located at 111 W. Chesapeake Avenue in Towson, Maryland, on February 29, 1988 at 2:00 p.m. to consider a petition for a Variance to permit a business sign containing a total of 185.6 sq. ft. in a business zone, in lieu of the permitted total area of 100 sq. ft.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 4, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 4, 1988.

THE JEFFERSONIAN.

[Signature]  
Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described in the Zoning Regulations of Baltimore County, located at 111 W. Chesapeake Avenue in Towson, Maryland, on February 29, 1988 at 2:00 p.m. to consider a petition for a Variance to permit a business sign containing a total of 185.6 sq. ft. in a business zone, in lieu of the permitted total area of 100 sq. ft.









Maryland Department of Transportation  
State Highway Administration

Richard H. Trainor  
Secretary  
Neil Kassoff  
Administrator

November 12, 1987

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Att: James Dyer

Re: Baltimore County  
Item #161  
Property Owner:  
Milanos, Incorporated  
Location: E/S York Road  
Maryland Route 45  
21.5 centerline  
Oakway Road  
Existing Zoning: S.L.  
Proposed Zoning: Variance  
to permit a business  
sign containing a total  
of 185.6 sq. feet  
(92.8 sq. feet on each  
side) in lieu of the  
permitted total area of  
100 sq. feet  
Area: 600 sq. feet  
District 8th

Dear Mr. Haines:

On review of the submittal for a variance for a business sign, the State Highway Administration-Bureau of Engineering Access Permits offers the following comments.

The submittal for variance of a business sign has been forwarded to the State Highway Administration Beautification Section, c/o Morris Stein (333-1642), for all comments relative to zoning.

If you have any questions, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

*James Dyer*  
Creston J. Mills, Jr.  
Acting Chief-Bureau of  
Engineering Access Permits

LB/es

cc: J. Ogle  
Morris Stein w/att.

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 545-0431 D.C. Metro - 1-800-492-4083 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
494-8554

December 2, 1987



Denise F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items numbers 159, 160, 161, 162, 163, 165, 166, and 167.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:sb

RECEIVED  
DEC 22 1987

ZONING OFFICE

2100 YORK ROAD - SIGNET BANK  
2085 YORK ROAD - USED CARS  
NISSAN

2066 YORK ROAD - MARYLAND NATIONAL  
2066 YORK ROAD - CARSONS  
2066 YORK ROAD - REGINA POOLS & SPAS

2060 YORK ROAD - TAYLOR  
2060 YORK ROAD - BORCATS  
#3426  
#1898

2050 YORK ROAD - MERCANTILE BANK  
AND TRUST

2000 YORK ROAD - BURGER KING  
#3115  
#3116

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INSTALLED  
IN  
END  
JAN. 1998

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A

D

NISSAN - 2085 YORK ROAD

BEST LITTLE  
HAIR HOUSE - 2065 YORK RD.  
#3435

WATSON  
CATERERS - 2063 YORK ROAD

SECURITY  
SAFE & LOCK - 2061 YORK ROAD

MILANOS - 2047 YORK ROAD  
#4001-87/4003

CHASE - 2045 YORK ROAD  
#1737

ROY ROGERS - 2027 YORK ROAD

DUNKIN DONUTS - 2001 YORK  
ROAD

LAW OFFICES

WHITE, MINDEL, CLARKE & HILL

6TH FLOOR, 28 W. SUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204

(301) 828-1050

October 30, 1987

GEORGE W. WHITE, JR.  
CHARLES E. MINDEL  
SAMUEL D. HILL  
JOSEPH L. JENNISON  
A. BRUCE ALDERMAN  
JOHN F. POLY, JR.  
STANLEY L. CLARKE  
PHILIP D. FORD  
SHIRLEY C. BOWEN  
EUGENE L. MILLER, III  
WILLIAM C. BARNES  
ROBERT A. BOWEN, JR.  
DENNIS C. BARNES  
EUGENE W. CUNNINGHAM, JR.  
HARVEY A. BARNES, JR.  
HARVEY T. JENSEN  
LINDA T. PERIN  
PATRICK A. PERIN

HAND DELIVERED

Mr. W. Carl Richards, Jr.  
Office of Zoning  
County Office Building  
Towson, Maryland 21204

Dear Carl:

Pursuant to our conversation at the time of filing the Petition for Zoning Variance on behalf of Milanos, Inc., I enclose the following:

1. 7 copies of a typed zoning description corresponding directly with the zoning description prepared during the course of our meeting which also contains the address of the property.
2. 10 copies of the revised plat to accompany the Zoning Petition.

Also, please note the address of the Petitioner and telephone number as follows:

8811 Waltham Woods Road  
Baltimore, Maryland 21234  
661-4353

Thanks again for your cooperation.

Sincerely,

*R. Bruce Alderman*  
R. Bruce Alderman

RBA/mvj

Enclosures

LAW OFFICES

WHITE, MINDEL, CLARKE & HILL

6TH FLOOR, 28 W. SUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204

(301) 828-1050

February 10, 1988

Mr. W. Carl Richards, Jr.  
Office of Zoning  
County Office Building  
Towson, Maryland 21204

Re: Milanos, Inc.  
Petition for Zoning Variance  
Hearing Scheduled for February 22, 1988

Dear Mr. Richards:

This letter is to inform you that I will be handling the above-captioned matter in lieu of R. Bruce Alderman.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

*Mark T. Jensen*  
Mark T. Jensen

MTJ:lvc

cc: Mr. Panagiotis Makris